

Order

Michigan Supreme Court
Lansing, Michigan

May 22, 2007

Clifford W. Taylor,
Chief Justice

ADM File No. 2006-40

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

Amendment of
Rule 2.222 of the
Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 2.222 of the Michigan Court rules is adopted, effective September 1, 2007.

[Additions are indicated by underline and deletions are indicated by strikeout.]

Rule 2.222 Change of Venue; Venue Proper

(A-C) [Unchanged.]

(D) Filing and Jury Fees After Change of Venue.

(1) ~~An order changing venue under this rule shall require the party who moved for a change of venue to pay the statutory filing fee applicable to the court to which the action is transferred.~~ At or before the time the order changing venue is entered, the party that moved for change of venue shall tender a negotiable instrument in the amount of the applicable filing fee, payable to the court to which the case is to be transferred. The transferring court shall send the negotiable instrument with the case documents to the transferee court.

(2) If the jury fee has been paid, the clerk of the transferring court shall forward it to the clerk of the court to which the action is transferred.

(E) [Unchanged.]

Staff Comment: This amendment was adopted to address the situation in which a party moves for change of venue and an order is entered changing venue but the movant

fails to pay the filing fee in the transferee court. In such a situation, the original court loses jurisdiction upon entry of the order transferring venue, but the transferee court does not gain jurisdiction until the appropriate filing fee has been paid. The amendment requires that the moving party submit a negotiable instrument in the amount of the filing fee for the transferee court before or at the time the order changing venue is entered, thereby ensuring that there will not be a jurisdictional gap.

The staff comment is not an authoritative construction by the Court and is published only for the benefit of the bench and bar.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 22, 2007

Corbin R. Davis

Clerk